

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROXANNE LA MARTINA,

Plaintiff,

v.

ORDER
12-CV-308A

BRIAN FISCHER, Individually and as
Commissioner of the State of New York
Department of Correctional Services;
DAVID M. UNGER, as Superintendent of the
Orleans Correctional Facility;
JEFFREY HOLLOR, Individually and as head cook;
ERNEST LOWERRE, Individually and as
Food Service Administrator II;
STATE OF NEW YORK; and
STATE OF NEW YORK DEPARTMENT OF
CORRECTIONAL SERVICES,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On March 19, 2013, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion to dismiss plaintiff's claims against the State of New York, and against individual defendants Brian Fisher, David M. Unger, Jeffrey Hollor, and Ernest Lowerre in their entirety be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants'

motion to dismiss plaintiff's claims against the State of New York, and against individual defendants Brian Fisher, David M. Unger, Jeffrey Hollor, and Ernest Lowerre in their entirety is granted.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: April 17, 2013